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2 Wayte & Carruth LLP
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5 7647 North Fresno Street
6 Fresno, California 93720
7 Telephone: (559) 433-1300
8 Facsimile: (559) 433-2300

9
10 Attorney for Creditor
11 Tim Messer Construction Inc.

12 UNITED STATES BANKRUPTCY COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 **In Re**
16 **PG&E CORPORATION**
17 and
18 **PACIFIC GAS AND ELECTRIC**
19 **COMPANY,**
20 Debtors.

21 Bankruptcy Cases
22 19-30088-DM (Lead Case)
23 19-30089-DM
24 (Jointly Administered)

25 **NOTICE OF WITHDRAWAL OF PROOF**
26 **OF CLAIM BY TIM MESSER**
27 **CONSTRUCTION, INC. (CLAIM NO. 2763)**

28
29 Affects PG&E Corporation
30 Affects Pacific Gas and Electric
31 Corporation
32 Affects both Debtors

33 **All papers shall be filed in the Lead Case
34 No. 19-30088 DM

35 Pursuant to Fed. R. Bankr. P. 3006, Tim Messer Construction, Inc. ("Messer Construction")
36 hereby withdraws Claim No. 2763 in the amount of \$478,300.33 ("Claim") in full. A copy of the
37 Claim is attached hereto as Exhibit "A".

1 Dated: June 10, 2019

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McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

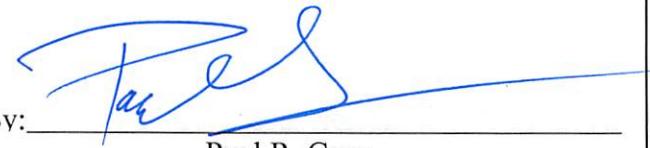
By: 
Paul R. Gaus
Attorney for Creditor
Tim Messer Construction Inc.

Exhibit A

United States Bankruptcy Court, Northern District of California

Fill in this information to identify the case (Select only one Debtor per claim form):

PG&E Corporation (19-30088)
 Pacific Gas and Electric Company (19-30089)

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Fillers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	Tim Messer Construction Inc. Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? McCormick Barstow c/o Paul Gaus 7647 N. Fresno Street Fresno, CA 93720	Where should payments to the creditor be sent? (if different) Tim Messer Construction Inc. 32111 Rockhill Lane Auberry, CA 93602	
Contact phone (559)-433-2312 Contact email _____		Contact phone _____ Contact email _____	
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____/_____/_____		
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ 478300.33. Does this amount include interest or other charges? No Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.
Construction services performed for Helm's Sewer replacement.

9. Is all or part of the claim secured? No Yes. The claim is secured by a lien on property.

Nature of property:

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____

Basis for perfection:

Mechanic's lien

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ Unknown

Amount of the claim that is secured: \$ 478300.33

Amount of the claim that is unsecured: \$ 0 (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) 10 %

Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input checked="" type="checkbox"/> No	Amount entitled to priority
	<input type="checkbox"/> Yes. Check one:	
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).		\$ _____
<input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).		\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).		\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).		\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).		\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(_____) that applies.		\$ _____
* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.		

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Signature: Paul R. Gaus
Paul R. Gaus (Apr 24, 2019)

Email: paul.gaus@mccormickbarstow.com

Signature

Print the name of the person who is completing and signing this claim:

Name	Paul R. Gaus		
	First name	Middle name	Last name
Title	Attorney		
Company	McCormick Barstow		
Identify the corporate servicer as the company if the authorized agent is a servicer.			
Address	7647 N. Fresno Street		
	Number	Street	
	Fresno	CA	93720
	City	State	ZIP Code
Contact phone			
	Email		

Attach Supporting Documentation (limited to a single PDF attachment that is less than 5 megabytes in size and under 100 pages):

I have supporting documentation.
(attach below) I do not have supporting documentation.



Attachment

PLEASE REVIEW YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTS AND REDACT ACCORDINGLY PRIOR TO UPLOADING THEM. PROOFS OF CLAIM AND ATTACHMENTS ARE PUBLIC DOCUMENTS THAT WILL BE AVAILABLE FOR ANYONE TO VIEW ONLINE.

IMPORTANT NOTE REGARDING REDACTING YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTATION When you submit a proof of claim and any supporting documentation you must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. The responsibility for redacting personal data identifiers (as defined in Federal Rule of Bankruptcy Procedure 9037) rests solely with the party submitting the documentation and their counsel. Prime Clerk and the Clerk of the Court will not review any document for redaction or compliance with this Rule and you hereby release and agree to hold harmless Prime Clerk and the Clerk of the Court from the disclosure of any personal data identifiers included in your submission. In the event Prime Clerk or the Clerk of the Court discover that personal identifier data or information concerning a minor individual has been included in a pleading, Prime Clerk and the Clerk of the Court are authorized, in their sole discretion, to redact all such information from the text of the filing and make an entry indicating the correction.

Modified Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any supporting documents to this form.
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).
- Do not attach original documents because attachments may be destroyed after scanning.
- If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth. See Bankruptcy Rule 9037.
- For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form. You may view a list of filed claims in this case by visiting the Claims and Noticing Agent's website at <http://restructuring.primeclerk.com/pge>.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate.
11 U.S.C. § 503.

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy.
11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity that owns a debt or was a debtor that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101(10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101(13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on medical or dental care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to top priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to privacy on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

Please send completed Proof(s) of Claim to:

PG&E Corporation Claims Processing Center
c/o Prime Clerk LLC
850 3rd Avenue, Suite 412
Brooklyn, NY 11232

Do not file these instructions with your form

Paul R. Gaus
paul.gaus@mccormickbarstow.com

FRESNO, CA OFFICE
7647 North Fresno Street
Fresno, California 93720
P.O. Box 28912
Fresno, CA 93729-8912
Telephone (559) 433-1300
Fax (559) 433-2300

Other offices of
McCORMICK, BARSTOW, SHEPPARD
WAYTE AND CARRUTH, LLP

www.mccormickbarstow.com

BAKERSFIELD, CA OFFICE
5060 California Ave., Suite 1090
Bakersfield, California 93309
Telephone 661-616-1594
Fax 661-616-1595

CINCINNATI, OH OFFICE
Scripps Center, Suite 1050
312 Walnut Street
Cincinnati, Ohio 45202
Telephone (513) 762-7520
Fax (513) 762-7521

DENVER, CO OFFICE
999 18th Street, Suite 3000
Denver, Colorado 80202
Telephone (720) 282-8126
Fax (720) 282-8127

LAS VEGAS, NV OFFICE
8337 West Sunset Road, Suite 350
Las Vegas, Nevada 89113
Telephone (702) 949-1100
Fax (702) 949-1101

MODESTO, CA OFFICE
1125 I Street, Suite 1
Modesto, California 95354
Telephone (209) 524-1100
Fax (209) 524-1188

RENO, NV OFFICE
241 Ridge Street, Suite 300
Reno, Nevada 89501
Telephone (775) 333-0400
Fax (775) 333-0412

SAN LUIS OBISPO, CA OFFICE
656 Santa Rosa Street, Suite 2A
San Luis Obispo, California 93401
P.O. Box 31
San Luis Obispo, California 93408
Telephone (805) 541-2800
Fax (805) 541-2802

April 24, 2019

PG&E Corp. Claims Processing
c/o Primeclerk LLC
850 3rd Avenue Suite 412
Brooklyn, NY 11232

Re: Proof of Claim - Tim Messer Construction Inc.

To Whom it May Concern:

The undersigned represents Tim Messer Construction Inc., a California Corporation ("Messer Construction") in filing a claim in the chapter 11 bankruptcy of Pacific Gas & Electric Co. and PG&E Corp. in Bankruptcy Case Nos. 19-30088 (DM) and 19-30089 (DM).

PG&E hired Messer Construction for demolition and removal of the existing pipeline and pipeline improvement and for installation and construction of a new sewer collection system at the Helms Pumped Storage Facility located at 6689 McKinley Grove Rd, City of Shaver Lake, 93664 County of Fresno, State of California ("Property").

Messer Construction is still owed \$478,300.33 for its work on the Property.

The supporting documents attached hereto as Exhibit "A" constitute writings evidencing Messer Construction's proof of claim pursuant to Fed. R. Bankr. P. 3001(a).

Very truly yours,



Paul R. Gaus
McCormick Barstow LLP

PRG

056717-000001 5957675.1

Exhibit A



Contract (Long Form)

This is a Contract between the below named Contractor ("Contractor"), a California corporation, and Pacific Gas and Electric Company ("PG&E"), a California corporation with its headquarters located at 77 Beale Street, San Francisco, California 94105.

Contractor's Legal Name:	Tim Messer Construction Inc	PG&E Contract No. C10531
Contractor's Address:	32111 Rockhill Lane Auberry, CA 93602	This Contract consists of 351 pages.

Project Name: Helms – Remove & Replace Sewer Collection System

Job Location: Helms PSP Support Facilities

WORK: Contractor shall, at its own risk and expense, perform the Work described in this Contract and furnish all labor, equipment, and materials necessary to complete the Work as summarized below and as more fully described in Attachment 1, Scope of Work. This is not an exclusive Contract. This Contract does not guarantee Contractor any Work nor is there any guarantee as to any volume or duration of Work.

Contractor to complete removal and replacement work activities for the Helms Sewer Collection System. See addition requirements attached.

ATTACHMENTS: Each of the following documents is attached to this Contract and incorporated herein by this reference:

Attachment 1: Scope of Work, 4 Pages

Attachment 2: Consideration, 3 Pages

Attachment 3: Specific Conditions, 290 Pages

Attachment 4: General Conditions, 52 Pages

CONTRACT TERM: This Contract is effective upon signature by both parties and expires on March, 29, 2019.

COMPLETION: Contractor shall commence performance hereof when directed to do so by PG&E. Work shall be completed by the milestone completion dates. Time is of the essence.

INSURANCE: Contractor shall maintain insurance in accordance with Section 12 of the General Conditions.

TERMS OF PAYMENT: In accordance with Section 22 of the General Conditions.

CONSIDERATION: As full consideration for satisfactory performance of the Work by Contractor, PG&E's total obligation to Contractor shall not exceed the following amount. This amount is inclusive of all taxes incurred in the performance of the Work. Any change to this amount shall only be authorized in writing by a PG&E Contract Change Order, fully executed by both PG&E and Contractor.

TOTAL:

Time and Material NTE \$318,808.00 (Three Hundred Eighteen Thousand Eight Hundred Eight and 00/100)

THE PARTIES, BY SIGNATURE OF THEIR AUTHORIZED REPRESENTATIVES, HEREBY AGREE TO THE TERMS OF THIS CONTRACT.

PACIFIC GAS AND ELECTRIC COMPANY		CONTRACTOR: TIM MESSER CONSTRUCTION INC	
Signature	DocSigned by: <i>Richard Cordova</i>	Signature	DocSigned by: <i>Stephan Ferguson</i>
Name	Richard Cordova A012C62C8FC147C..	Name	CSD25F77820A4C9..
Title	Manager, Sourcing Portfolio	Title	
Date	9/6/2018	Date	9/4/2018



PG&E Contract No. C10531
Page 2 of 2

ADMINISTRATION				
PG&E Negotiator	Holly Krieg	Contractor Representative	Stephen Ferguson	
Phone	916-742-9543	Phone	559-855-3100	
Email	hxkn@pge.com	Email	steve@limmesserconstruction.com	
Accounting Reference	74012002			
PG&E Work Supervisor:	Rex Avila-r3a9@pge.com	Phone: 559-267-6847		
INVOICE INSTRUCTIONS: Contractor shall send invoices for each payment when due, showing the Contract number, to: PACIFIC GAS AND ELECTRIC COMPANY	Send ORIGINAL Invoice to:	PG&E Accounts Payable* PO Box 7760 San Francisco, CA 94120-7760		
	Send COPY of Invoice to:	Stephanie Quick – SAQ1@pge.com Rex Avila – R3A9@pge.com		
	For information regarding invoice status, call PG&E's Paid Help Line at (800) 756-PAID (7243) or go to AP Web Reporting site at www.pge.com/actpay .			
*Note: Contractors using the XIGN System do not need to mail a copy of the invoice to PG&E.				

INTERNAL PG&E USE ONLY			
Distribution Date			
Distribution of Copies	<input type="checkbox"/> Document Services (Signed Original Copy) Mail Code N5D 245 MARKET ST., SAN FRANCISCO	<input type="checkbox"/> Contractor (Signed Original Copy)	
	<input checked="" type="checkbox"/> Work Supervisor : Rex Avila-r3a9@pge.com RE: Francisco Sanchez-f1s3@pge.com Contracts: Roy Arnold-rfab@pge.com	<input type="checkbox"/> Manager	
	<input checked="" type="checkbox"/> Invoice Approver : Stephanie Quick – SAQ1@pge.com	<input type="checkbox"/> Supervisor	
	<input type="checkbox"/> V.P.	<input checked="" type="checkbox"/> Sourcing/ Purchasing :Holly Krieg- hxkn@pge.com	
	<input type="checkbox"/> Director	<input type="checkbox"/> Law	



Contract Change Order

Contract Change Order

This is Change Order ("CO") No. 1 to Contract No. C10531 dated September 6, 2018 between the below-named Contractor ("Contractor"), a California corporation, and Pacific Gas and Electric Company ("PG&E"), a California corporation with its headquarters located at 77 Beale Street, San Francisco, California 94105. Contractor shall perform all Work under this Contract, as amended by this Change Order, pursuant to and in accordance with the terms and conditions of the Contract.

Contractor's Legal Name: Tim Messer Construction Inc

This Contract Change Order consists of 3 page(s).

Contractor's Address: 32111 Rockhill Lane
Auberry, CA 93602

Project Name: Helms – Remove & Replace Sewer Collection System

Job Location: Helms PSP Support Facilities

CHANGES: The Parties hereby modify the Contract referenced above as follows:

Change Order No. 1 is issued to modify the Contract as follows:

Change Order No. 1 is issued to increase the total Contract Value by \$54,000.00 for associated costs of a drill rig to remove rock that was encountered while excavating the proposed trench that was beyond the scope work and of the equipment on site.

Contractor shall provide PG&E approved subcontractor invoices, if any, to verify all costs associated with this Change Order.

This Change Order No. 1 represents full and final consideration for the changes described herein, including but not limited to all adjustments to price, schedule, guaranteed dates and performance criteria for work that was not included in the original Contract scope of work. All other work descriptions of the original Contract shall remain unchanged and in effect.

ATTACHMENTS: The following are attached to this Contract Change Order and incorporated herein by this reference.

Attachment No. 1: Field Change Authorization dated October 5, 2018, 1 Page

PRICING CHANGES:	Previous Total Contract Value:	\$ 318,808.00
	Addition or Deduction:	\$ 54,000.00
	Revised Total Contract Value:	\$ 372,808.00

All other terms and conditions of the Contract, as it may have been amended by previous Contract Change Order(s), if any, shall remain the same.

THE PARTIES, BY SIGNATURE OF THEIR AUTHORIZED REPRESENTATIVES, HEREBY AGREE TO THE TERMS OF THIS CONTRACT CHANGE ORDER.

PACIFIC GAS AND ELECTRIC COMPANY		CONTRACTOR: TIM MESSER CONSTRUCTION INC	
Signature	DocuSigned by: 	Signature	DocuSigned by:
Name	Nathan Floyd C49FCCF25ADF479...	Name	C5D25F77520A4C9...
Title	Supervisor, Sourcing Operations	Title	
Date	10/30/2018	Date	10/30/2018

62-4675 (12-1-08)

Sourcing



Change Order No. 1
Contract No. C10531
Page 2 of 2

ADMINISTRATION

PG&E Negotiator	Holly Krieg	Contractor Representative	Stephan Ferguson
Phone	916-742-9543	Phone	559-855-3100
Email:	hxkn@pge.com	Email:	steve@timmesserconstruction.com
Accounting Reference	74012002		

INTERNAL PG&E USE ONLY

Distribution Date			
Distribution of Copies	<input type="checkbox"/> Document Services (Signed Original Copy) Mail Code N5D 245 MARKET ST., SAN FRANCISCO	<input type="checkbox"/> Contractor (Signed Original Copy)	
	<input checked="" type="checkbox"/> Work Supervisor :Rex Avila-r3a9@pge.com	<input type="checkbox"/> Manager	
	<input checked="" type="checkbox"/> Invoice Approver :Stephanie Quick-saq1@pge.com	<input type="checkbox"/> Supervisor	
	<input type="checkbox"/> V.P.	<input checked="" type="checkbox"/> Sourcing/ Purchasing :Holly Krieg-hxkn@pge.com	
	<input type="checkbox"/> Director	<input type="checkbox"/> Law	

62-4675 (12-1-08)

Sourcing

JOB TITLE: Helm's Cottage Sewer

FIELD AUTHORIZATION NO.:

CONTRACTOR: Tim Messer Construction, Inc.

ADDRESS: 32111 Rockhill Ln.

CITY/ST/ZIP: Auberry, CA 93602

CWA/PO #:

DATE ISSUED:

RESPOND BY:

DATE APPROVED:

DESCRIPTION OF CHANGE/ESTIMATED SCHEDULE IMPACT:

TYPE OF FIELD CHANGE
 (Check All That Apply)

Additional Work
 Disputed Work
 Work Reduction
 Changed Condition
 Schedule Change
 Design Change
 Other:

Additional funding requested would allow for the rental, and associated costs, of a drill rig and all supporting costs that may be involved. While excavating the proposed trench per planned route, rock has been encountered that will not be removed with equipment on site. This includes the rock breaker that has already been added to this project.

RECOMMENDED ACTION AND/OR SOLUTION:

Rental of drill rig and supporting labor/equipment & material.

ESTIMATED COST OF CHANGE

All changes associated with FCA for shall be tracked and attached with invoicing.

PRICING METHOD OF FIELD CHANGE

Unit Cost
 Lump Sum
 Time and Materials (NTE: \$ 54,000.00)

LABOR: \$ _____
 MATERIAL: \$ _____
 EQUIPMENT: \$ _____
 SUB-CONTRACT: \$ 54,000.00
 UNIT COST: \$ _____
 LUMP SUM: \$ _____
 OTHER: Fuel \$ _____
 TOTAL: \$ 54,000.00

FUNDNG FOR CHANGE (Check All That Apply)

Record Only, No Additional Funding Request at this Time
 Request Additional Funding*
 Change Will Exceed Contract Value
 Cost Decrease
 Credit Due*
 CCO Required
 Authorized For Invoicing on Current Billing Cycle

* Attach Change Order Request

This document shall be used to track field changes and prepare Contract Change Order (CCO) requests, and shall be attached to CCO requests prepared in conjunction with the changes described herein. Once approved and accepted, this document will allow work to proceed. Contractor may not invoice or receive payment for any work associated with this change until a Contract Change Order has been executed by both parties unless authorization for invoicing on current billing cycle is indicated above. Compensation to Contractor for above work will be as agreed upon by PG&E and Contractor, and as authorized by a CCO. PG&E reserves the right to suspend and/or cancel the above described work at any time. Should the above described work be canceled after authorized by PG&E, Contractor will be reimbursed for actual costs incurred up to the time work was canceled.

Contractor

PREPARED by Stephen Ferguson

Print Name

Stephen Ferguson

10/5/2018

PG&E Project Manager or Work Supervisor

RECOMMENDED by

Print Name

Rex Avila

10/5/18

Date

PG&E Inspector's Signature:

ACKNOWLEDGED by

Print Name

PG&E DOA Supervisor Signature:

AUTHORIZED by

Print Name

Signature

Date

Signature

Date



Contract Change Order

Contract Change Order

This is Change Order ("CO") No. 2 to Contract No. C10531 dated September 6, 2018 between the below-named Contractor ("Contractor"), a California corporation, and Pacific Gas and Electric Company ("PG&E"), a California corporation with its headquarters located at 77 Beale Street, San Francisco, California 94105. Contractor shall perform all Work under this Contract, as amended by this Change Order, pursuant to and in accordance with the terms and conditions of the Contract.

Contractor's Legal Name: Tim Messer Construction Inc

This Contract Change Order consists of 14 page(s).

Contractor's Address: 32111 Rockhill Lane
Auberry, CA 93602

Project Name: Helms – Remove & Replace Sewer Collection System

Job Location: Helms PSP Support Facilities

CHANGES: The Parties hereby modify the Contract referenced above as follows:

Change Order No. 2 is issued to modify the Contract as follows:

Change Order No. 2 is issued to increase the total Contract Value by \$298,265.75 for Contractor to perform the following additional Work requested and approved through Field Change Authorization's (FCA) not previously included in the original Scope of Work at the Helms-Remove & Replace Sewer Collection System project at Helms PSP Support Facilities are hereby added to this Contract as further described in *Attachment 1-Additional Summary of Work* for further details.

Contractor shall provide PG&E approved subcontractor invoices, if any, to verify all costs associated with this Change Order.

This Change Order No. 2 represents full and final consideration for the changes described herein, including but not limited to all adjustments to price, schedule, guaranteed dates and performance criteria for work that was not included in the original Contract scope of work. All other work descriptions of the original Contract shall remain unchanged and in effect.

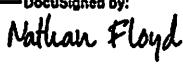
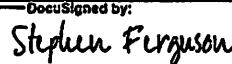
ATTACHMENTS: The following are attached to this Contract Change Order and incorporated herein by this reference.

Attachment No. 1: Additional Summary of Work, 12 Pages

PRICING CHANGES:	Previous Total Contract Value:	\$ 372,808.00
	Addition or Deduction:	\$ 298,265.75
	Revised Total Contract Value:	\$ 671,073.75

All other terms and conditions of the Contract, as it may have been amended by previous Contract Change Order(s), if any, shall remain the same.

THE PARTIES, BY SIGNATURE OF THEIR AUTHORIZED REPRESENTATIVES, HEREBY AGREE TO THE TERMS OF THIS CONTRACT CHANGE ORDER.

PACIFIC GAS AND ELECTRIC COMPANY		CONTRACTOR: TIM MESSER CONSTRUCTION INC	
Signature	DocuSigned by: 	Signature	DocuSigned by: 
Name	Nathan Floyd C49FCCF25ADF479...	Name	C5D25F77620A4C9...
Title	Supervisor, Sourcing Operations	Title	
Date	12/26/2018	Date	12/26/2018

62-4675 (12-1-08)

Sourcing



Change Order No. 2
Contract No. C10531
Page 2 of 2

ADMINISTRATION

PG&E Negotiator	Holly Krieg	Contractor Representative	Stephan Ferguson
Phone	916-742-9543	Phone	559-855-3100
Email:	hxkn@pge.com	Email:	steve@timmesserconstruction.com
Accounting Reference	74012002		

INTERNAL PG&E USE ONLY

Distribution Date			
Distribution of Copies	<input type="checkbox"/> Document Services (Signed Original Copy) Mail Code N5D 245 MARKET ST., SAN FRANCISCO	<input type="checkbox"/> Contractor (Signed Original Copy)	
	<input checked="" type="checkbox"/> Work Supervisor :Rex Avila-r3a9@pge.com	<input type="checkbox"/> Manager	
	<input checked="" type="checkbox"/> Invoice Approver :Stephanie Quick-saq1@pge.com	<input type="checkbox"/> Supervisor	
	<input type="checkbox"/> V.P.	<input checked="" type="checkbox"/> Sourcing/ Purchasing :Holly Krieg-hxkn@pge.com	
	<input type="checkbox"/> Director	<input type="checkbox"/> Law	

62-4675 (12-1-08)

Sourcing

Tim Messer Construction, Inc.
32111 Rockhill Lane
Auberry, CA 93602

INVOICE

Phone: (559)855-3100
Fax: (559)855-3101



Invoice: 1903
Invoice Date: 12/13/2018

Bill To:	Project Details:
Pacific Gas & Electric Accounts Payable P.O. Box 7760 San Francisco, CA 94120-7760	Helm's Cottages Sewer Replacement 66898 McKinley Grove Rd. Shaver Lake, California 93664

Payment Terms	Contract Number	Invoice Due Date
Discount 15	C10531	1/12/2019

Description

This is the **FINAL** invoice for the Helm's Sewer Replacement. Covered in this invoice is the Labor & Equipment hours, based on the LME Forms.. It also covers materials, rented equipment and subcontracted costs. Note: The subcontracted cost of the drilling with a profit of 20% has been reduced to 10% per discussions with Rex Avila (PG&E). Also included on this invoice is a credit for "Lost time/progress" due to hitting utility lines. The amount credited is based on discussions with Rex Avila (PG&E). Lastly, the fuel cost shown reflects \$3,000 less then discusses with Rex Avila (PG&E), because of actual usage.

Description	Quantity	UOM	Unit Price	Bill Amount
LME Totals for Week 7	1.0000	LS	21,286.1500	21,286.15
LME Totals for Week 8	1.0000	LS	28,478.8300	28,478.83
LME Totals for Week 9	1.0000	LS	24,353.9900	24,353.99
LME Totals for Week 10	1.0000	LS	29,219.2000	29,219.20
LME Totals for Week 11	1.0000	LS	26,619.0400	26,619.04
LME Totals for Week 12	1.0000	LS	18,793.1000	18,793.10
Drilling Subcontracted Cost	1.0000	LS	178,676.5800	178,676.58
Profit on Drilling Reduced to 10%	1.0000	LS	17,867.6600	17,867.66
Rented Equipment & Material	1.0000	LS	43,940.3300	43,940.33
DEDUCTION / CREDIT For "Lost Time/Progress" With Hit Utilities	1.0000	LS	-1,980.0000	(1,980.00)
LME Totals for Week 13 & 14	1.0000	LS	23,321.6900	23,321.69
Mob & Demob	1.0000	LS	15,000.0000	15,000.00
Welder	1.0000	LS	1,500.0000	1,500.00
Mile High Plumbing	1.0000	LS	2,640.0000	2,640.00
Trench Repave	1.0000	LS	20,656.8000	20,656.80
Ecco Closeout	1.0000	LS	19,200.0000	19,200.00
Breaker Fuel Reduced	1.0000	LS	7,000.0000	7,000.00

Page: 1

Tim Messer Construction, Inc.
32111 Rockhill Lane
Auberry, CA 93602

INVOICE

Description	Quantity	UOM	Unit Price	Bill Amount
Final Concrete	1.0000	LS	1,726.1000	1,726.10
Subtotal Amount				478,299.47
Total Invoice Amount Due				478,299.47

Page: 2

From: Quick, Stephanie
To: steve@tmc-mli.com; Krieg, Holly
Cc: Avila, Rex; hayley@tmc-mli.com
Subject: RE: Taulia
Date: Tuesday, January 8, 2019 10:13:17 AM

The invoices have been confirmed on our end. Payment should go out shortly.

From: steve@tmc-mli.com <steve@tmc-mli.com>
Sent: Wednesday, January 02, 2019 1:05 PM
To: Quick, Stephanie <SAQ1@pge.com>; Krieg, Holly <HXKN@pge.com>
Cc: Avila, Rex <R3A9@pge.com>; hayley@tmc-mli.com
Subject: Taulia

*******CAUTION: This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.*******

Holly,

I have attached some screen shots of what we are looking at from our side of Taulia. One shows the two PO's that I was talking about. Looking in my records, I have documents for the Helm's sewer project WITH BOTH of those PO numbers. (Not sure why we have two, but we do.) With this being said, we billed one of them out using the remainder of the funds in it. We then billed the rest of our invoice from the other PO number attached to the project as you said. This left money in the second PO because more was authorized then we actually needed to bill. (That is show in the other picture.)

I hope that makes sense. If not, feel free to give me a call once you have looked at the attached photos. They went through on our side it appears.

Many Thanks!!

Stephen Ferguson

Tim Messer Construction, Inc.
<http://www.timmesserconstruction.com>

(559) 855-3100 (Office)
(559) 855-3101 (Fax)
(559) 301-5152 (Cell)

RECORDING REQUESTED BY
Paul R. Gaus

AND WHEN RECORDED MAIL DOCUMENT TO:

NAME Paul R. Gaus

STREET ADDRESS 7647 N. Fresno Street

CITY STATE & ZIP CODE Fresno, CA 93720

2019-0030424

FRESNO County Recorder
Paul Dictos, CPA

Wednesday, Mar 27, 2019 01:39:59 PM

Titles: 1 Pages: 3

Fees: \$100.00
CA SB2 Fee: \$75.00
Taxes: \$0.00
Total: \$100.00
SFW

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

Mechanic's Lien

The undersigned, Tim Messer Construction Inc. referred to in this claim of lien as the claimant,
(Full name of person or firm claiming mechanic's lien)

claims a mechanics' lien for the labor, services, equipment and/or materials described below, furnished for a work of improvement upon that certain real property located in the County of Fresno, State of California, and described as follows:

Street Address: Helms Pumped Storage Plant, 66898 McKinley Grove Rd. Shaver Lake, CA 93664

Legal Description: _____

After deducting all just credits and offsets, the sum of \$ 487,300.33, together with interest thereon at the rate of 10% percent per annum from 01/08/2019, is due claimant for the following labor, services, Helm's Cottages Sewer Replacement work, PG&E Contract No. C10531 and accompanying Contract Change Orders No. 1 and No. 2 executed on October 30, 2018 and equipment and/or materials: December 26, 2018.

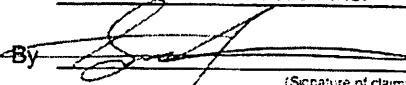
The name of the person or company by whom claimant was employed, or to whom claimant furnished the labor, services, equipment and/or materials is Pacific Gas and Electric Company

The name(s) and address(es) of the owner(s) or reputed owner(s) of the real property is/are:

Pacific Gas & Electric Company 77 Beale Street, 32nd Floor, San Francisco, CA 94105

Claimant's address is 32111 Rockhill Lane Auberry, CA 93602

Name of Claimant Tim Messer Construction Inc.

By 
(Signature of claimant)

Stephen Ferguson

VERIFICATION

I, Stephen Ferguson, am the Authorized Agent of, Tim Messer Construction Inc.
(Title) (Name of claimant)

the claimant named in the foregoing claim of mechanics' lien; I am authorized to make this verification for the claimant; I have read the foregoing claim of mechanics' lien and know the contents thereof, and the same is true to my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 26th, 2019, at Fresno, California

Stephen Ferguson
Note: Proof of Service Affidavit and Notice of Mechanic's Lien Claim must be attached.

American LegalNet, Inc.
www.FilingWithTheCourt.com

NOTICE OF MECHANICS LIEN

ATTENTION!

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

7/1/12





My Invoices

Search My Invoices

Invoice Number

Purchase Order

Invoice Status

 All

Showing 1-10 of 46 Invoices

Invoice #	Inv. Date	PO #	Due Date	Document Amount	Status	Payment	Actions
1903a	Jan 2, 2019	2700211040	tbd	\$298,265.75	In process	<input type="button" value="Early Payment"/>	<input type="button" value=""/>
1903	Jan 2, 2019	2700160320	tbd	\$180,034.58	In process	<input type="button" value="Early Payment"/>	<input type="button" value=""/>
1844	Oct 31, 2018	2700160320	Dec 15, 2018	\$192,773.42	Paid	2150239725	<input type="button" value=""/>
1843	Oct 17, 2018	2700114127	Dec 1, 2018	\$4,797.60	Paid	2150232678	<input type="button" value=""/>
1820	May 30, 2018	2700114127	Jul 15, 2018	\$4,836.40	Paid	2150130318	<input type="button" value=""/>
1797	Nov 21, 2017	2501465714	Jan 5, 2018	\$42,335.00	Paid	2150220193	<input type="button" value=""/>
1760	Oct 17, 2017	2501598169	Dec 1, 2017	\$2,957.95	Paid	2150193151	<input type="button" value=""/>
1728	Jul 31, 2017	2501598169	Sep 14, 2017	\$11,097.70	Paid	2150141598	<input type="button" value=""/>
112931	Jul 20, 2017	2501504111	Sep 3, 2017	\$11,912.51	Paid	2150132407	<input type="button" value=""/>
113809	Apr 26, 2017	2501504111	Jun 10, 2017	\$4,379.05	Paid	2150072700	<input type="button" value=""/>

1 2 3 4 5 | Next | Total Items: 46

PROOF OF SERVICE AFFIDAVIT

California Civil Code section 8416

Failure to serve the Mechanic's Lien and Notice of Mechanic's Lien on the owner, or alternatively if the owner cannot be served on the lender or direct contractor, shall cause the Mechanic's Lien to be unenforceable as a matter of law (Civil Code Section 8024(d)). Service of the Mechanic's Lien and Notice of Mechanic's Lien must be by (1) registered mail, (2) certified mail, or (3) first-class mail evidenced by a certificate of mailing, postage prepaid, and to a residence or business address for the owner, lender or contractor. Further, a Proof of Service Affidavit (below) must be completed and signed by the person serving the Mechanic's Lien and Notice of Mechanic's Lien. This page should be completed (either one of the sections below) and recorded with the County Recorder along with the Mechanic's Lien and Notice of Mechanic's Lien.

PROOF OF SERVICE AFFIDAVIT (ON OWNER)

California Civil Code section 8416(a)(7) and (c)(1)

I, Debra Ressler (name), declare that I served a copy of this Mechanic's Lien and Notice of Mechanic's Lien by registered mail, certified mail, or first-class mail evidenced by a certificate of mailing, postage prepaid, addressed as follows to the owner(s) or reputed owner(s) of the property:

Company/Person Served: Linda Y.H. Cheng

Title or capacity of person served (if appropriate): Agent for Service of Process of PG&E

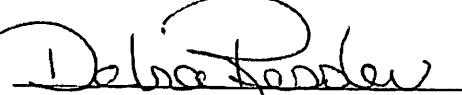
Service address: 77 Beale Street, 24th Floor, San Francisco, CA 94105

Said service address is the owner's residence, place of business, or address showed by the building permit on file with the permitting authority for the work.

Executed on March 26, 2019 (date) at Fresno (city), Fresno (county), California.

91 7199 9991 7038 5801 8059

By:


(Signature of person making service)
Debra Ressler

ALTERNATE PROOF OF SERVICE AFFIDAVIT (ON LENDER OR DIRECT CONTRACTOR)

California Civil Code Section 8416(a)(7) and (c)(2)

I, _____ (name), declare that the owner or reputed owner cannot be served with a copy of this Mechanic's Lien and Notice of Mechanic's Lien by registered mail, certified mail, or first-class mail. Pursuant to California civil Code section 8416(c)(2), I served a copy of this Mechanic's Lien and Notice of Mechanic's Lien by registered mail, certified mail, or first-class mail evidenced by a certificate of mailing, postage prepaid, addressed as follows to the construction lender or direct contractor as follows:

Company/Person Served: _____

Title or capacity of person served (If appropriate): _____

Service address: _____

Executed on _____, 20____ (date) at _____ (city), _____ (county), California.

By:

(Signature of person making service)

Electronic Proof of Claim

Final Audit Report

2019-04-24

Created:	2019-04-24
By:	Prime Clerk E-Filing (efiling@primeclerk.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAg8t6Bw_R2NiyjkiWmMR59pYk4K8UZNq2

"Electronic Proof of Claim" History

- Widget created by Prime Clerk E-Filing (efiling@primeclerk.com)
2019-04-24 - 6:15:05 PM GMT
- Paul R. Gaus (paul.gaus@mccormickbarstow.com) uploaded the following supporting documents:
 - Attachment2019-04-24 - 6:30:51 PM GMT
- Widget filled in by Paul R. Gaus (paul.gaus@mccormickbarstow.com)
2019-04-24 - 6:30:51 PM GMT- IP address: 206.169.27.66
- (User email address provided through API User-Agent: Mozilla/5.0 (Windows NT 6.1; WOW64; Trident/7.0; rv:11.0) like Gecko)
2019-04-24 - 6:30:53 PM GMT- IP address: 206.169.27.66
- Signed document emailed to Paul R. Gaus (paul.gaus@mccormickbarstow.com) and Prime Clerk E-Filing (efiling@primeclerk.com)
2019-04-24 - 6:30:53 PM GMT

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF FRESNO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On June 10, 2019, I served true copies of the following document(s) described as **NOTICE OF WITHDRAWAL OF PROOF OF CLAIM BY TIM MESSER CONSTRUCTION, INC. (CLAIM NO. 2763)** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 10, 2019, at Fresno, California.

Debra J. Ressler

SERVICE LIST

Attorney for Debtor

4 Peter J. Benvenutti
Keller & Benvenutti LLP
5 650 California St. 19th Fl.
San Francisco, CA 94108
6 Email: pbenvenutti@kellerbenvenutti.com

6 Email: pbvenutti@kellerbenvenutti.com

Attorneys - US Trustee

OFFICE OF THE UNITED STATES TRUSTEE
Attn: Lynette C. Kelly
Timothy S. Laffredi
Marta Villacorta
450 Golden Gate Avenue
5th Floor, #05-0153
San Francisco, CA 94102
Email: lynnette.c.kelly@usdoj.gov
timothy.s.laffredi@usdoj.gov
marta.villacorta@usdoj.gov

Linda Y.H. Cheng
Agent for Service of Process of PG&E
77 Beale Street, 24th Floor
San Francisco, CA 94105